IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.1211 of 1999

Between:

K.Lakshman Rao, S/o.Gundurao, Hindu, 50 years, Ex-employee of Syndicate Bank, R/o.Plot No.22, Sri Venkateswara Officers Colony, Secunderabad.

...PETITIONER

AND

1. The General Manager (P), Syndicate Bank, Head Office, Manipal, Karnataka State.
2. The Deputy General Manager, Syndicate Bank, Zonal Office, Somajiguda, Hyderabad.
3. The Personnel Manager, Syndicate Bank, Staff Welfare Division, E.P.F.Cell, Head Office, Manipal, Karnataka State.
4. The Branch Manager, Syndicate Bank, Abid Road, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the letter No.562/3029/Fruds/KLN/98 dated 13.08.1998 as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to pay the terminal benefits which are lying in the Savings Bank Account No.5551 at 4th respondent's branch with interest thereon and return the National Savings certificates.

Counsel for the Petitioner: MR.GANDURI NAGESWARA RAO

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.1211 of 1999

ORDER:

Heard both sides.

The petitioner herein, who is the ex-employee of the respondent-Bank files this Writ Petition *inter alia*, seeking a Writ of Mandamus declaring the impugned letter No.562/3029/Fruds/KLN/98, dated 13.08.1998 as illegal, whereupon the petitioner was called upon to pay a sum of Rs.1,58,862/- with interest thereon from 31.12.1997 till the date of final settlement. Infact, the petitioner having already dismissed and certain punishment imposed on him, the question of recovery of any amounts, especially, towards Employee Provident fund is not sustainable. Further, the petitioner is also not liable to make any payment or the interest as the amount has already been adjusted according to his detailed reply dated 22.09.1998,

pointing out the same. But his representation remained unconsidered.

Considering the submissions made on both sides and also on perusal of the material available on record, it is not necessary to go into merits of the case. The fact remains that the petitioner was already dismissed from the service on the ground of misappropriation, with the final orders even adjusting the amounts. However, there is no question of withholding the amounts towards Employee Provident Fund.

In view of the same, it would suffice in the interest of justice to direct the respondents to dispose of the representation filed by the petitioner in his reply dated 22.09.1998, after giving notice and appropriate opportunity to him.

Accordingly, the Writ Petition is disposed with a direction to the respondents to consider the reply dated 22.09.1998 and pass orders within a period of four weeks from the date of receipt of a copy of this order.

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(B.PRAKASH RAO, J)

16th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The General Manager (P), Syndicate Bank, Head Office, Manipal, Karnataka State.
2. The Deputy General Manager, Syndicate Bank, Zonal Office, Somajiguda, Hyderabad.
3. The Personnel Manager, Syndicate Bank, Staff Welfare Division, E.P.F.Cell, Head Office, Manipal, Karnataka State.
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